

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

-----X

JACOB DOE

Plaintiff,

-against-

No. 1:23-cv-00041

**THE UNIVERSITY OF NORTH CAROLINA
SYSTEM, et al.**

Defendants.

-----X

**CERTIFICATION OF NOTICE OF PLAINTIFF'S
MOTION FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Plaintiff, Jacob Doe, through his undersigned counsel Nesenoff & Miltenberg, LLP, and Ekstrand and Ekstrand, LLP, respectfully submits this certification of notice pursuant to Fed. R. Civ. P. 65(b)(1)(B) of Plaintiff's Verified Complaint (ECF No. 1); Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction ("TRO/PI") (ECF No. 4), Proposed Order (ECF No. 4-1), and supporting Memorandum of Law (ECF No. 5), in this action by showing the Court that:

Notice to the Defendant (Rule 65(b)(1)(B)). The undersigned counsel hereby certifies that file-stamped copies of the following documents in this matter were sent at 3:21 p.m. Eastern on February 15, 2023, to the General Counsel and Vice Chancellor for Defendants the University of North Carolina System and the University of North Carolina at Chapel Hill, Charles Marshall, and Associate Vice Chancellor and Senior University Counsel, Kara Simmons:

- (i) Verified Complaint, including Verification of Jacob Doe and Verification of Robert C. Ekstrand, Esq. (ECF No. 1);
- (ii) Motion to Proceed Under a Pseudonym (ECF No. 2);
- (iii) Memorandum of Law in Support of Plaintiff's Motion to Proceed Under a Pseudonym (ECF No. 3);
- (iv) Declaration in Support of Motion to Proceed Under a Pseudonym (ECF No. 3-1);
- (v) Motion for a Temporary Restraining Order and Preliminary Injunction ECF No. 4) and Proposed Order (ECF No. 4-1);
- (vi) Memorandum of Law in Support Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction (ECF No. 5).

Plaintiff's counsel further spoke with Ms. Simmons via telephone at or around 2:15 about the foregoing filings, the relief sought in the proposed TRO, and requested the university's position on the relief sought in the TRO be conveyed as soon as practicable. Ms. Simmons indicated that the University would report its position as soon as practicable.

Respectfully submitted this 15th day of February 2023.

Counsel for Plaintiff Jacob Doe

Nesenoff & Miltenberg, LLP

/s/ *Andrew T. Miltenberg* _____.

Andrew T. Miltenberg
amiltenberg@nmllplaw.com

(pro hac vice forthcoming)

Stuart Bernstein
sbernstein@nmllplaw.com

(pro hac vice forthcoming)

Tara J. Davis
tdavis@nmllplaw.com
(pro hac vice forthcoming)

-and-

Ekstrand & Ekstrand LLP

/s/ Robert C. Ekstrand .

Robert C. Ekstrand
N.C. Bar No. 26673
rce@ninthstreetlaw.com

Ekstrand & Ekstrand LLP
110 Swift Avenue, Second Floor
Durham, North Carolina 27705
(919) 416-4590

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I further certify that I will serve an electronic copy of same via electronic mail to General Counsel named above and that paper copies of the foregoing will be served with Plaintiff's Rule 4 service of the complaint and summons on all Defendants.

/s/ Robert C. Ekstrand .
Robert C. Ekstrand